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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TODD MICHAEL SCHULTZ,
11 Plaintiff,
12
13 v.
14 MICHAEL C. THOMPSON, et al.,
15 Defendants.

No. 2:23-cv-03452-JAK (MRWx)

**ORDER RE MOTION FOR
SANCTIONS (DKT. 67)**

1 Based on a review of the Motion for Sanctions (the “Motion” (Dkt. 67)),
2 insufficient good cause has been shown for the requested relief. Therefore, the Motion is
3 **DENIED.**

4 Plaintiff alleges that Thomson and YouTube have violated the fair use doctrine by,
5 respectively, requesting the removal of, and removing one of Plaintiff’s YouTube
6 videos. Plaintiff cites 17 U.S.C. § 107. However, this statute only provides that certain
7 uses of a copyrighted work are “not an infringement of copyright.” 17 U.S.C. § 107. This
8 statute does not require YouTube to publish material created by Plaintiff, nor does it
9 limit the right of another person to request the removal of the material.

10 Consequently, there is no basis for the motion for sanctions. “Three primary
11 sources of authority enable courts to sanction parties or their lawyers for improper
12 conduct: (1) Federal Rule of Civil Procedure 11, which applies to signed writings filed
13 with the court, (2) 28 U.S.C. § 1927, which is aimed at penalizing conduct that
14 unreasonably and vexatiously multiplies the proceedings, and (3) the court’s inherent
15 power.” *Fink v. Gomez*, 239 F.3d 989, 991 (9th Cir. 2001). As with the other sources of
16 authority, the court’s inherent power is to be exercised “in response to abusive litigation
17 practices,” rather than conduct between the parties that takes place outside the litigation
18 context. *See Roadway Exp., Inc. v. Piper*, 447 U.S. 752, 765 (1980).

19 Plaintiff argues that Thompson and YouTube have conspired to suppress
20 evidence. However, Plaintiff states that the video contains his arguments about the prior
21 conduct of the Defendants. The arguments of a party are not evidence of the conduct of
22 other parties; Plaintiff can make those arguments at the appropriate time with or without
23 this video. In addition, Plaintiff has only provided evidence that his video is no longer
24 available to the public or through his account. He has not provided evidence that the
25 video has been destroyed.

1 This is Plaintiff's third improper motion for sanctions against one or more of the
2 Defendants. Plaintiff is ordered not to file any further motion of this nature. Doing so
3 may result in the imposition of monetary and/or other sanctions.

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6 **IT IS SO ORDERED.**

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8 Dated: August 23, 2023

A handwritten signature in black ink, appearing to read 'John A. Kronstadt', written over a horizontal line.

9 John A. Kronstadt

10 United States District Judge
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